

\*E-FILED 6/23/10\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT JAMES ASCENCIO,

Defendant.

NO. CR-05-00164-RMW

ORDER DENYING PETITION FOR SHOW  
CAUSE ORDER

[Docket # 45]

Robert J. Ascenco<sup>1</sup> has filed a petition "for show cause order." In essence, he seeks an order modifying his sentence. The petition is denied.

Petitioner previously sought a writ of *audita querela* arguing that his sentence should be recalculated. That motion was denied by order of February 11, 2010.

No further motions pertaining to defendant's sentence should be filed.

DATED: 6/23/10



RONALD M. WHYTE  
United States District Judge

<sup>1</sup>In the criminal case out of which this petition arises, defendant's name is reflected as "Robert J. Ascencio" not "Robert J. Ascenco." The court believes that "Ascencio" is the correct spelling of the defendant/movant's name but the court is using "Ascenco" in this order since that is how the defendant/movant spells his name in the current petition.

1 Copy of Order E-Filed to Counsel of Record:

2 Mailed to:

3 **Robert James Ascencio**

4 10253-111

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